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In re Application of  
HAMILTON, Colin Henry, et al.  
Application No.: 10/070,870  
PCT No.: PCT/AU00/01052  
Int. Filing Date: 04 September 2000  
Priority Date: 02 September 1999  
Attorney Docket No.: DUMME18.001APC  
For: DISPENSING SACHET BY  
BENDING AND METHOD OF  
SACHET MANUFACTURE

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' response to the Notification of Missing Requirements filed in the United States Patent and Trademark Office (USPTO) on 14 November 2002. It has been treated as a petition under 37 CFR 1.47(a).

### BACKGROUND

On 04 September 2000, applicants filed international application PCT/AU00/01052, which claimed a priority date of 02 September 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 March 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 26 March 2001, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 March 2002 (02 March 2002 was a Saturday).

On 04 March 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 07 May 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 14 November 2002, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a petition for a four-month extension of time; the fee for a four-month extension of time; a declaration of inventorship and a statement of facts.

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**DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant

Items (1), (2) and (4) have been met. The required fee will be charged to deposit account no. 11-1410, as authorized by the transmittal letter. The declaration of Rod Fallen sets forth the efforts to locate Mr. Colin Henry Hamilton. The declaration of inventorship complies with 37 CFR 1.497(a)-(b).

Item (3) has not been met. The petition does not state the last known address of Mr. Hamilton, the non-signing applicant.

**CONCLUSION**

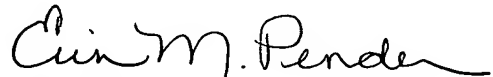
For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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